IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION.

WRIT PETITION NO. 2047 OF 2005 .

Ashaben Jayaram Thakur @
Ashaben Bhagwandas Patel ... Petitioner.

V/s.

The State of Maharashtra & ors. ... Respondents.

Shri S.B. Prabhavalkar for the petitioner.

Shri R. M. Sawant, G.P. for the State.

Shri V.S. Paradkar with Ms.Swati Paradkar for respondent No.6

CORAM : V.C.DAGA, J.

DATED : 9.1.2006.

P.C. :

. Heard learned Counsel for the petitioner.

Perused petition and documents annexed thereto.

2. This petition is directed against the order dated 17.5.2005 passed by respondent No.4 in the Land Acquisition Proceeding No.SLAO/RR/174/83/2005.

3. The solitary contention sought to be canvassed by the learned Counsel appearing for the petitioner is that no opportunity of hearing as directed by the Division Bench of this Court in Writ Petition No. 655 of 1998 vide order dated 27.4.1998, has been afforded to the petitioner. The impugned order therefore, suffers from the breach of

principles of natural justice.

4. The submission made is devoid of any substance. Factual matrix reveals that the Special Land Acquisition Officer, Mumbai, had issued a show casue notice dated 11.11.2004 wherein it was specifically mentioned as under:

> . " The occupiers, the owner and the mortgagees (if any) of the said land, specified in Schedule 'B' appended hereto are hereby called upon to submit their objections and suggestions if any, in TRIPLICATE as to why the said land along with the building standing thereon should not be acquired, so as to reach the undersigned on or before 29.11.2004.
>
> . The occupiers, the owner and the mortgagees (if any) of the said land, specified in Schedule 'B' appended hereto and any other person affected by the proposal shall also be given an opportunity of being heard in the matter in Room No. 442, 3rd floor, Griha Nirman Bhavan, Kala Nagar, Bandra (East), Mumbai-400051, on 8.12.2004 at 11.30 a.m."
>
> (Emphasis supplied)

. Pursuant to the aforesaid notice, petitioner did file his objections on 29.4.2004 followed by rejoinder dated 12.1.2005.

5. Petitioner has also stated in the petition that she was heard on 18.2.2005. Learned Counsel for the petitioner, during the course of hearing, submitted that she had appeared before the Land Acquisition Officer on 12.4.2005. No grievance was made that she was not heard on 12.4.2005.

6. In the above view of the matter, solitary contention raised by the petitioner that no opportunity of hearing was afforded to the petitioner pursuant to the directions of the Division Bench in order dated 27.4.1998, is devoid of any substance.

7. On being asked as to what is her objection to the acquisition on merits, learned Counsel for the petitioner in reply could not spell out any objection nor could he point out any specific objection raised to the acquisition either from the objection prefered or rejoinder filed. The view taken by the Special Land Acquisition Officer is a reasonable and possible view. No case is made out to interfere with the impugned order. Petition is, thus, dismissed in limine with no order as to costs.

(V.C.DAGA,J.)